

Message

From: Mora, Rebecca [Rebecca.Mora@aecom.com]
Sent: 11/15/2018 8:50:42 PM
To: MORASH, MELANIE [morash.melanie@epa.gov]
CC: Shantal Der Boghosian [shantal.derboghosian@ngc.com]; Holbrook, Holly [Holly.Holbrook@aecom.com]; Shaffer, Caleb [Shaffer.Caleb@epa.gov]
Subject: RE: Receipt acknowledged - Verification - Waste Determination and Proper Disposal of Remediation Wastes - TRW Microwave Site, Sunnyvale, CA

Thank you Melanie. We will certainly let you know if our waste situation changes.

Rebecca

Rebecca Mora
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From: MORASH, MELANIE [mailto:morash.melanie@epa.gov]
Sent: Thursday, November 15, 2018 2:20 PM
To: Mora, Rebecca
Cc: Shantal Der Boghosian; Holbrook, Holly; Shaffer, Caleb
Subject: Receipt acknowledged - Verification - Waste Determination and Proper Disposal of Remediation Wastes - TRW Microwave Site, Sunnyvale, CA

Hello Rebecca,

Thank you for providing this information. I reviewed your attached lab reports and concur with your designation of the results as non-hazardous. There were low parts per billion (ppb) hits of several chlorinated compounds, but the concentrations are well below the levels that would meet the criteria for hazardous waste.

Moving forward, please notify EPA if this situation changes and hazardous remediation wastes begin to be generated on-site. At that point EPA will consult with the Regional Off-Site Rule contact to ensure that the proposed disposal facility is in compliance and licensed to accept hazardous waste streams.

Sincerely,

Melanie

From: Mora, Rebecca <Rebecca.Mora@aecom.com>
Sent: Monday, November 5, 2018 2:31 PM
To: MORASH, MELANIE <morash.melanie@epa.gov>
Cc: Der Boghosian, Shantal [US] (ES) <Shantal.DerBoghosian@ngc.com>; Holbrook, Holly <Holly.Holbrook@aecom.com>

Subject: RE: Verification - Waste Determination and Proper Disposal of Remediation Wastes - Triple Site (AMD 901/902, TRW, Signetics), Sunnyvale, CA

Melanie,

The only waste generated from 2015 to present from the Former TRW Microwave Site has been non-hazardous water from sampling and well development and non-hazardous soil from well installation. Our non-hazardous waste has been disposed of at Crosby & Overton, Inc., 1630 W. 16th Street, Long Beach, CA, a RCRA-approved disposal facility. Since our waste is non-hazardous, we do not have a Certificate of Disposal for any recent waste. I have attached the manifests for August 2015 through 2017. We provide the vendor with a copy of our analytical results from the drums (2018 lab results attached) annually to verify the non-hazardous classification of our purge water and the water is then disposed of under the attached water profile.

Please let us know if you have any questions.

Thank you,
Rebecca

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From: MORASH, MELANIE [<mailto:morash.melanie@epa.gov>]
Sent: Monday, September 24, 2018 12:14 PM
To: Wes Hawthorne; Nancy-Jeanne LeFevre; Calhoun, Michael; Mora, Rebecca
Cc: Shau Luen Barker; Heather O'Cleirigh (Heather.OCleirigh@amd.com); Shantal Der Boghosian; Condit, Rose; Woo, Cynthia; Dou, Wenqian; manheimer, kelly; Shaffer, Caleb; Reynolds, Rebekah
Subject: Verification - Waste Determination and Proper Disposal of Remediation Wastes - Triple Site (AMD 901/902, TRW, Signetics), Sunnyvale, CA

Good morning, everyone,

Via this e-mail, I would like to check in with the AMD 901/902 Thompson Place, TRW Microwave, and Signetics site teams regarding waste determination procedures for off-site shipments of remediation waste from the Triple Site. EPA would like to receive an update from you to ensure that any remediation wastes generated during your site response activities are appropriately characterized, managed, transported and disposed of consistent with State and Federal hazardous waste requirements, as well as the Off-Site Rule (OSR).

Please respond with the information requested below by Monday, November 5, 2018.

Background

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) wastes may only be placed in a facility operating in compliance with Resource Conservation and Recovery Act (RCRA) §3004 and §3005 and all other applicable Federal laws, as well as any State requirements. The section further prohibits the transfer of CERCLA wastes to a land disposal facility that is releasing contaminants into the environment, and requires that any releases from other waste management units must be controlled.

Section 121(d)(3) of CERCLA and the OSR apply to any CERCLA response action involving the off-site transfer of any hazardous substance, pollutant, or contaminant (CERCLA wastes). Applicability extends to those actions taken jointly under CERCLA and another authority. The OSR applies only to those actions being taken under a CERCLA authority or using CERCLA funds (e.g., actions taken under a CERCLA order or agreement or funded by CERCLA).

These principles are interpreted in the OSR, as set forth in the National Oil and Hazardous Pollution Contingency Plan (NCP), (40 CFR 300.440). The purpose of the OSR is to avoid having CERCLA wastes contribute to present or future environmental problems by directing these wastes to management units determined to be environmentally sound (preamble to final OSR, 58 FR 49200, 49201, Sept. 22, 1993). CERCLA waste is defined as any hazardous substance, pollutant, or contaminant. The following types of receiving facilities are covered under the OSR:

- Treatment facilities;
- RCRA Treatment, Storage, and Disposal Facilities;
- Subtitle D landfills;
- TSCA facilities; and
- Intermediate facilities that will store or pre-treat (brokers, blenders before final disposition).

Note: For sites with CERCLA discharges, project teams must consult with the publicly-owned treatment facility and/or the wastewater treatment facility receiving the waste.

The OSR establishes the criteria and procedures for determining whether facilities are acceptable for the receipt of CERCLA wastes from response actions authorized or funded under CERCLA. The OSR establishes compliance criteria and release criteria, and establishes a process for determining whether facilities are acceptable based on those criteria. The OSR also establishes procedures for notification of unacceptability, reconsideration of unacceptability determinations, and re-evaluation of unacceptability determinations.

PRP-Lead Sites

Forty (40) Code of Federal Regulations (CFR) Section 262.11 requires generators to determine if their wastes are hazardous. The hazardous waste determination requirement applies to all generators of solid waste. Section 262.11 sets forth the following three-step hazardous waste determination process that any person who generates a solid waste, as defined in Section 261.2, must follow.

- First, the generator must determine if the solid waste is excluded from RCRA regulation in Section 261.4.
- Second, if the waste is not excluded, the generator must determine if it is listed in Subpart D of Part 261.
- Third, for purposes of compliance with the land disposal restrictions or if the waste is not listed in Subpart D of Part 261, the generator must identify all relevant hazardous waste characteristics in Subpart C of Part 261. It is the generator's responsibility to determine if their wastes are defined as hazardous and therefore subject to regulation under Subtitle C. Once a generator makes a waste determination, the generator is responsible for ensuring that the waste is appropriately characterized, managed, transported, treated (if required), and disposed of consistent with State and Federal hazardous waste requirements, as well as the Off-Site Rule (OSR).

Once the generator has made a waste determination, the generator will also propose an appropriate waste management facility to dispose of the waste. Prior to transferring hazardous substances, pollutants or contaminants to

a treatment, storage, and disposal facility, the EPA Regional Off-Site Contact (ROC) in the region where the receiving facility is located must be contacted to verify the status of that particular facility. Additional information on how a generator can request information about one or more facilities is provide in the following website <https://www.epa.gov/superfund/site-rule>.

Information Requested

Please provide the following to EPA by Monday, November 5, 2018:

- Documentation of hazardous waste determination (including the waste profile)
- Disposal facility information
- Certificate of Disposal for the project

Thank you for your attention to this matter,

Melanie Morash

Melanie Morash, Project Manager
California Site Cleanup Section I, Superfund Division

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